

ITW



Attorney Docket No.: **43888-369**
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Yoshiyuki MURAOKA, et al.
Application No.: 10/532,043
Filed: April 21, 2005
For: ALKALI STORAGE BATTERY AND METHOD OF PRODUCING THE SAME

:
: Customer No. 53080
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: Confirmation No.: 4091
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: Group Art Unit: 1795
: Examiner: JOHN S. MAPLES
:

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed December 3, 2008, having a shortened statutory period for response set to expire January 3, 2009, wherein the Examiner required restriction between the following Groups:

- Group I - Claims 1-10, drawn to an alkaline storage battery; and
- Group II - Claims 11-16, drawn to a method of making an alkaline storage battery;

Applicants elect Group I, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 12/23/08

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